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Matthews, Mitchell, Morrison, Osienski, Ramone,
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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 31

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION
RELATING TO EQUAL RIGHTS.

1 WHEREAS, an amendment to the Delaware Constitution was proposed in the 150th General Assembly, being
2 Chapter 287 of Volume 82 of the Laws of Delaware; and

3 WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 150th
4 General Assembly; and

5 WHEREAS, following adoption by the General Assembly, the proposed amendment was publicized in accordance
6 with the Delaware Constitution; and

7 WHEREAS, when the 151st General Assembly concurs in the proposed amendment, the amendment will become
8 part of the Delaware Constitution.

9 NOW, THEREFORE:

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all
11 members elected to each house thereof concurring therein):

12 Section 1. Amend § 21, Article I of the Delaware Constitution by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 21.

15 Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, or sex.

SYNOPSIS

This Act is the second leg of a constitutional amendment to add race, color, and national origin to § 21 of Article I of the Delaware Constitution to explicitly declare that protection against discrimination based on race, color, and national origin is one of Delaware's fundamental rights. The first leg of this constitutional amendment was Senate Bill 191 of the 150th General Assembly, published in Chapter 287 of Volume 82 of the Laws of Delaware. On passage of this second leg by this General Assembly this amendment will become part of the Delaware Constitution.

Since the 14th Amendment to the United States Constitution was adopted on July 9, 1868, with Delaware ratifying it in 1901, at least 15 states have added a provision to their state constitution that prohibits the denial or abridgement of equal rights under the law based on race, color, or national origin. In 2019, Delaware amended the state constitution to prohibit the denial or abridgement of equal rights under the law based on sex, but no such prohibition exists as to race, color, or national origin.

This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly when the General Assembly amends the Delaware Constitution.

Author: Senator Brown